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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KWOK et al.

Atty. Ref.: 4398-224

Serial No. 10/068,963

Group: 3761

Filed: February 11, 2002

Examiner: Not Yet Assigned

For: NASAL MASK AND MASK CUSHION THEREFOR

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

ResMed Limited, being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints the attorneys of **Customer Number 23117** individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

ResMed Limited also authorizes Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

Certificate Under 37 C.F.R. §3.73(b)

ResMed Limited, a corporation having a place of business at 97 Waterloo Road, North Ryde, New South Wales 2113, Australia states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached and/or recorded at the United States Patent Office on February 11, 2002 at reel 012583, frames 0181.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of ResMed Limited.

ResMed Limited

8 August 2003 By: Paul Green  
Date Name: Paul A. Green  
Title: Patents Officer

## ASSIGNMENT

WHEREAS, Philip Rodney KWOK and Robert Edward STYLES, whose post office addresses are shown below, have made a certain new and useful invention relating to A NASAL MASK AND MASK CUSHION THEREFOR, for which we have made application for Letters Patent of the United States, which application may be identified in the United States Patent Office as Application Serial No. 09/230,491, filed on January 26, 1999, for A NASAL MASK AND MASK CUSHION THEREFOR; and

WHEREAS, we now own the entire right, title and interest therein; and

WHEREAS, ResMed Limited, an Australian company, ACN 003 765 142, whose post office address is 82 Waterloo Road, North Ryde, New South Wales 2113 Australia, is desirous of acquiring the entire interest in and to said invention, said application, or any continuation, continuation-in-part, division, renewal, or substitute thereof, and the Letters Patent, or any reissue or re-examination thereof, to be obtained therefor:

NOW THEREFORE, for and in consideration of the sum of Ten Dollars Australian (A\$10.00) and other good and valuable consideration to us in hand paid, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, and set over and by these presents do hereby sell, assign and set over unto the said ResMed Limited, and said assignee's legal representatives, successors and assigns, the entire right, title and interest in and to said invention, said application or any continuation, continuation-in-part, division, renewal or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both foreign and domestic, that may or shall issue thereon, or any reissue or re-examination thereof; and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above-mentioned assignee, consistent with the terms of this Assignment.

UPON SAID CONSIDERATION, we hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, continuation, continuation-in-part, divisional, renewal, reissued or extended Letters Patent of the United States, or of any and all foreign countries, on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being

understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.

29 March, 1999

Philip M.  
Philip Rodney KWOK  
Residence Address:  
15 Davies Street  
Chatswood, New South Wales 2067  
AUSTRALIA

**COPY**

23<sup>rd</sup> March, 1999

Robert E. Styles  
Robert Edward STYLES  
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